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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of: John C. Reed

Serial No.: 09/724,425   Group Art Unit: 1635

Filed: November 28, 2000   Examiner: Schmidt, M.

For: REGULATION OF BCL-2 GENE   Attorney Docket No.: 10412-026
        EXPRESSION

<u>RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 C.F.R. § 1.143</u>

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

      In response to the Office Action mailed on April 6, 2001 in connection with the above-identified patent application, please enter and consider the following remarks. It is estimated that no fee is required for this response. In the event that a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

<u>REMARKS</u>

      Claims 1-24 are pending in the instant application. The Examiner has required restriction of the pending claims to one of the following three groups:

    Group I   Claims 1-7, drawn to antisense compositions; and

    Group II   Claims 8-13 and 14-24, drawn to pharmaceutical compositions and

              methods of treatment using antisense compositions.

      It is contended that the inventions of Group I-II are distinct, each from the other.

In response, Applicant hereby provisionally elects, with traverse, to prosecute the claims of Group II, drawn to pharmaceutical compositions and methods of treatment using antisense compositions, without prejudice to Applicant's rights to pursue the non-elected subject matter in other applications.

Applicant retains the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicant respectfully requests that the above-made remarks be made of record in the file history of the instant application.

Respectfully submitted, by: Jacqueline Benn
Reg No. 43,492

Date   May 7, 2001

Laura A. Coruzzi   30,742

Laura A. Coruzzi   (Reg. No.)

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